

Appl. No.: 10/007,716
Amdt. dated December 20, 2004
Reply to Office Action of October 20, 2004

REMARKS/ARGUMENTS

In order to further prosecution, and to reduce issues on appeal, claims 1, 7, 11, 12, and 15 have been amended as suggested by the Examiner. Claim 16 has been canceled without prejudice to or disclaimer of the subject matter encompassed thereby.

Specifically, claims 1, 12, 14, and 15 have been amended to recite 85% by weight type II-like collagen. Support for these amendments can be found, for example, on page 17, line 16, of the specification and in the previously presented claims. Claims 7 and 11 have been amended to clarify an ambiguity regarding antecedent basis. These amendments find support in the previously presented claims and the specification, such as on page 9, line 4, continuing through page 10, line 9. No new matter is added by way of claim amendment. These amendments to the claims were not presented earlier as Applicant firmly believes that the prior pending claims were in condition for allowance. The Examiner is respectfully requested to enter these amendments into the above-referenced application.

Claims 1-15 are now pending in the application. Reconsideration of the pending claims is respectfully requested in view of these claim amendments and the following remarks. The Examiner's comments in the Office Action are addressed below in the order set forth therein.

The Rejections of the Claims under 35 U.S.C. §112, Second Paragraph, Should Be Withdrawn

Claims 1-10 and 16 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite, specifically with regard to recitation of the terms "substantially homogenous" and "substantially free of natural contaminants." Claim 1 and dependent claims 2-10 have been amended to recite a percentage of weight as suggested by the Examiner. Claim 16 has been canceled. Accordingly, these rejections of the claims are overcome and should be withdrawn.

Claims 7 and 11 are rejected as being indefinite. Specifically, the reference to "said collagen" is cited as being ambiguous. These claims have been amended to clarify the antecedent basis for "said collagen" and remove the ambiguity. Accordingly, this rejection of the claims should be withdrawn.

Appl. No.: 10/007,716
Amtd. dated December 20, 2004
Reply to Office Action of October 20, 2004

Claims 12, 14, and 15 are rejected as being indefinite for reciting the term "substantially homogenous." As discussed *supra*, the term has been amended to recite a percentage of weight as suggested by the Examiner. Accordingly, this rejection of the claims should be withdrawn.

Although Applicant earnestly believes that all of the previously used terms are definite, the rejected claims have been amended solely to expedite prosecution and thus place the claims in condition for allowance, or to reduce issues on appeal.

Summary of Interview with Examiner 8/30/04:

On August 8, 2004, a telephone interview was conducted with Applicant's representative and the Examiner discussing the claims. No agreement regarding allowable subject matter was reached.

CONCLUSION

In view of the above amendments and remarks, Applicant submits that the rejections of the claims under 35 U.S.C. § 112, second paragraph, are overcome. Applicant respectfully submits that this application is now in condition for allowance. Early notice to this effect is solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



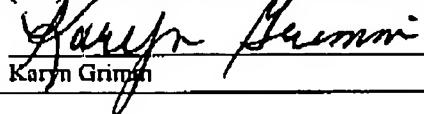
W. Murray Spruill
Registration No. 32,943

Appl. No.: 10/007,716
Amdt. dated December 20, 2004
Reply to Office Action of October 20, 2004

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.



Karyn Grimes

December 20, 2004

Date